

REMARKS

Claims 1-11 are pending in the subject application. Applicants have herein amended claims 9-11.

In the April 14, 2009 Office Action, the Examiner restricted the claimed invention between two allegedly distinct groups:

Group I, claims 1-8, drawn to a process for producing hydrogen-containing fuel gas; and, Group II, claim 9, drawn to an apparatus for producing hydrogen-containing fuel gases.

The Examiner alleges that the inventions listed as Groups I and II do not relate to a single general inventive concept because “[t]he apparatus recites the special technical feature wherein the water necessary for steam reforming is added separately of (sic) together with the hydrocarbon before the second reactor (sic) stage by means of nozzles or injectors, which is not shared by the process in which the special technical feature is the amount of residual hydrocarbon content at the outlet of the autothermal reforming stage.”

Applicants have herein amended claims 9 and 10 in a manner that they believe overcomes the Examiner’s objections. Claim 10 has been amended to an apparatus claim that recites the same special technical feature of claim 1 - that is, an apparatus wherein the reformat mixture at the outlet of the autothermal reforming stage has a residual hydrocarbon content of from 0.1 to 10% by volume. Claim 9 has been amended to depend from claim 10, and thus, also now recites the same special technical feature of claim 1.

In light of the foregoing claim amendments and remarks, Applicants respectfully request withdrawal of the restriction requirement set forth in the April 14, 2009 Office

Action. For the sake of completeness of this response, Applicants hereby elect claims 1-8 for prosecution in the present application if the restriction requirement is not withdrawn.

The Examiner in the April 14th Office Action also rejected claims 10 and 11 under 35 USC §112, second paragraph, and under 35 USC §101. As mentioned above, Applicants have amended claims 10 and 11. Claim 10 is no longer directed to the use of the process of claim 1 in a mobile or stationary fuel cell, and thus, it is believed that the rejections are overcome. Claim 11 has been amended to comprise the apparatus of claim 9, rather than the use of the apparatus as required by the previously pending claim language. It is believed that the amendment to claim 11 overcomes the rejections.

In light of the foregoing claim amendments and remarks, Applicants respectfully requests withdrawal of the rejections and objections set forth in the April 14, 2009 Office Action and requests allowance of the present application.

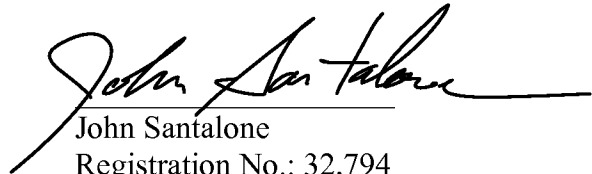
Applicants understand from the Office Action that claims 1-8 are allowable. If the present response does not persuade the Examiner to withdraw the restriction requirement or the rejections set forth in the April 14th Office Action, Applicants hereby authorizes the Examiner to cancel claims 9-11 if such cancellation would result in placing the application in condition for allowance.

No fee is believed due in connection with the filing of the present amendment, other than the fee for the requested three-month extension of time and the fee for the accompanying RCE, which Applicants are concurrently filing with the present response. If any additional fees are due, or an overpayment has been made, please charge, or credit, our Deposit Account No. 11-0171 for such sum.

Applicant: Baumann, et al.
Serial No.: 10/535,605
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If the Examiner has any questions regarding the present application, the Examiner is cordially invited to contact Applicants' attorney at the number provided below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Santalone", written over a horizontal line.

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